

9 FAM 40.91 NOTES

(CT:VISA-825; 07-20-2006)

(Office of Origin: CA/VO/L/R)

9 FAM 40.91 N1 CERTAIN ALIENS PREVIOUSLY REMOVED

9 FAM 40.91 N1.1 Five Year Bar

(CT:VISA-825; 07-20-2006)

An alien who has been found inadmissible, whether as a result of a summary determination of inadmissibility at the port of entry under INA 235(b)(1) or of a finding of inadmissibility resulting from proceedings under INA 240 initiated upon the alien's arrival in the United States, is *inadmissible* under INA 212(a)(9)(A)(i) for 5 years following such alien's first removal from the United States.

9 FAM 40.91 N1.2 Ten Year Bar

(CT:VISA-825; 07-20-2006)

An alien who has otherwise been removed from the United States under any provision of law, or who departed while an order of removal was in effect, is *inadmissible* under INA 212(a)(9)(A)(ii) for 10 years following such removal or departure from the United States.

9 FAM 40.91 N1.3 Twenty Year Bar

(CT:VISA-825; 07-20-2006)

An alien who has been removed from the United States two or more times is *inadmissible* under INA 212(a)(9)(A)(i) or INA 212(a)(9)(A)(ii), as appropriate, for 20 years following the most recent such removal or departure.

9 FAM 40.91 N1.4 Permanent Bar

(CT:VISA-825; 07-20-2006)

If an alien who has been removed has also been convicted of an aggravated felony, the alien is permanently *inadmissible* for a visa under INA

212(a)(9)(A)(i) or 212(a)(9)(A)(ii), as appropriate.

9 FAM 40.91 N1.5 Exceptions

(CT:VISA-825; 07-20-2006)

An alien is not be *inadmissible* under INA 212(a)(9)(A)(i) or (ii) if prior to the alien's re-embarkation at a place outside the United States or *attempt to be admitted from foreign contiguous territory, the Secretary of Homeland Security* has consented to the alien's application for admission.